

REMARKS

In response to the Office Action dated April 13, 2004, applicant presents the foregoing amendments and following remarks. Pursuant to 37 C.F.R. § 1.111, applicant requests reconsideration of each and every ground of rejection of the claims.

The Office Action maintained the prior determination of a requirement of restriction of the claims. Applicant respectfully disagrees with the determination and the Office Action, and in any event, reserves the right to pursue the non-elected claims in divisional applications. The Office Action further objected to the disclosure based on certain terminology used in the Abstract. Applicant has rewritten the Abstract, incorporating the suggestions in the Office Action where appropriate. Applicant submits that the Abstract now complies with 37 C.F.R. § 1.72(b) and M.P.E.P. § 608.01(b).

The Office Action indicated that claims 8 and 10 would be allowable if rewritten to overcome the indefiniteness rejections of the claims discussed below. Applicant appreciates the Examiner's acknowledgment that these claims contain allowable subject matter.

The Office Action rejected claims 1, 8 and 10 under 35 U.S.C. § 112, paragraph 2, as being indefinite. The Office Action indicated that the claim language is unclear as to "which sides of a plate heat exchanger are encompassed by the limitations 'the primary and secondary sides' as recited in line 2 of the preamble of claim 1." In addition, the Office Action indicated that the limitation "close to or approximately the same as" are undefined in the claim. Finally, the Office Action determined that the limitation "is a sodium salt uranine thereof" as recited in claim 10 is also indefinite.

Applicant has amended the claims in order to overcome the Section 112 rejections and to provide better consistency in terminology of the claims. Applicant submits that the

claims as now pending particularly and distinctly point out the subject matter of the invention.

The Office Action also rejected claim 1 as being anticipated by Grunwald U.S. Patent 5,170,840 ("Grunwald"). According to the Action, Grunwald discloses supplying a colorant containing liquid (i.e., the purplish colored aqueous solution of potassium permanganate) to one side of a heat exchanger plate or tube and detecting whether leakages are present by detecting the presence of a purplish color in a clear liquid supplied to the other side of the tube or plate.

Applicant respectfully traverses the Office Action's rejection of claim 1 as anticipated by Grunwald. Grunwald describes a method for detecting breaches in heat exchanger tubing comprises the steps of "introducing a purplish-colored admixture of potassium permanganate and water along the metallic tubing inner-surface, and visually inspecting the tubing outer surface" (see 1:67 through 2:2) (emphasis added) to determine whether there is any seepage. A breach is present if "purplish-colored admixture is *visually discernible at the tubing outer-surface*" (see 2:13, 17-20; 3:5-8; Abstract) (emphasis added).

Thus, Grunwald describes a method for detecting breaches by introducing a colored liquid through the tubing and visually inspecting the outer surface of the tubing to determine if there are any breaches. Grunwald does not disclose detection through introducing a colored liquid to one passageway of a plate heat exchanger, introducing a clear liquid to the other passageway, recycling the clear liquid and detecting any breaches by determining a color change of the recycled clear liquid as set forth in claim 1. Unlike Grunwald, the claimed method does not require direct visual inspection of the outer plate heat exchanger surface. To the contrary, the method simply performs the step of determining whether a color

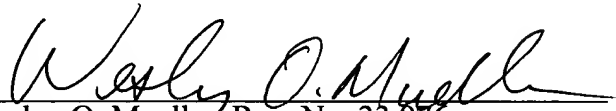
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change takes place in a recycled clear liquid that was introduced into one passageway of the plate heat exchanger.

Conclusion

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection.

Respectfully submitted,



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